

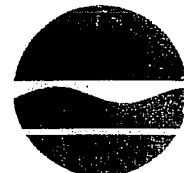
Exhibit “ZZ” to Amended Verified Petition

New York State Department of Environmental Conservation
Division of Environmental Permits, Region 3

21 South Putt Corners Road, New Paltz, New York 12561-1696

Phone: (845) 256-3003 • FAX: (845) 255-3042

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Denise M. Sheehan
Acting
Commissioner

October 24, 2005

Susan L. Cockburn, Supervisor
Town of Montgomery
110 Brocken Road
Montgomery, NY 12549

RE: Mehlon Trucking Inc. Shale Mine
Kings Hill Road
NYS DEC No.: 3-3342-00022/00005

Dear Supervisor Cockburn:

The New York State Department of Environmental Conservation (DEC) has made a decision to re-issue a mining permit for the above referenced mine, including an expansion of the acreage to be affected. Copies of DEC's proposed draft permit and cover letter to Mehlon Trucking, Inc. are enclosed for your information. As part of this decision, the Department has considered several public comments, including those of the Town, regarding the permit application by Mehlon Trucking, Inc. and the information provided by the applicant to support its application. I have also enclosed a copy of the applicant's September 1, 2005 response by Vincent J. Doce Associates to the various public comments DEC received.

Thank you for providing the Town's comments to DEC for consideration. If the Town should have any questions regarding this decision, I can be reached at (845) 256-3014.

Sincerely,

Alexander F. Ciesluk, Jr.
Deputy Regional Permits Administrator
Region 3

AFC/an

pc: R. Martin
L. Mehl
J. Raab, V. Doce Associates